

**POLICY AND GUIDELINES  
FOR ESTABLISHMENT AND OPERATION  
OF RECREATION COUNCILS**

**BOARD OF COUNTY COMMISSIONERS OF  
FREDERICK COUNTY, MARYLAND  
ADOPTED  
July 25, 2006**

**SUBMITTED BY  
THE FREDERICK COUNTY  
DIVISION OF PARKS AND RECREATION  
18 North Market Street  
FREDERICK, MD 21701  
301-600-1646**

*Terms and phone numbers updated: 7/9/07*

**FREDERICK COUNTY, MARYLAND**  
**BOARD OF COUNTY COMMISSIONERS**  
**POLICY**

**PURPOSE:** To provide direction for the Division of Parks and Recreation, the Parks and Recreation Commission, and county residents in the establishment and operation of recreation council programs in Frederick County.

**POLICY:** It is the policy of the Board of County Commissioners to advance opportunities for wholesome recreation programs and activities designed to promote the general health and welfare of county residents.

Further, it is the policy of the Board of County Commissioners to encourage voluntary and other community organizations, and commercial enterprises to provide those programs and activities to the fullest extent possible, utilizing the Frederick County Division of Parks and Recreation to assist with and coordinate their efforts.

To carry out this policy, the Board of County Commissioners endorses the creation of county supported volunteer community recreation councils, subject to the provisions of this "Guidelines For Establishment and Operation of Recreation Councils".

**LEGAL REFERENCE:**

1. Annotated Code of Maryland: (Article 25, Section 227- Cooperation with other government agencies.)

**The governing body of any county...by and through its commission...of recreation and parks...may join or cooperate with...one or more recreation councils...in acquiring, leasing, providing, establishing, maintaining and conducting other recreation and park areas and facilities and activities.**

2. The staff of the Division of Parks and Recreation, a Division of the Division of public works, has no legal or other formal relationship with the Recreation Councils. The staff members of Parks and Recreation are the individuals through whom the BOCC effects its cooperation with the Recreation Councils in the provision by the Councils of Recreation Services.
3. In an effort to assist the Recreation Councils the County has provided sample language for a Constitution and By-Laws. This language has been approved by the Internal Revenue Service as meeting the requirements of 26 U.S.C. Section 501 concerning the tax-exempt status of certain organizations.

**FREDERICK COUNTY, MARYLAND**  
**GUIDELINES FOR ESTABLISHMENT AND OPERATION**  
**OF RECREATION COUNCILS**

**INTRODUCTION:**

These guidelines have been established by the Board of County Commissioners to aid interested volunteer community groups in the provision of locally sponsored recreation programs through the formation of Community Recreation Councils. The Recreation Councils are separate, individual, and independent legal entities. They are recognized as such by the Internal Revenue Service. There is no legal relationship between the Board of County Commissioners of Frederick County Maryland and the Recreation Councils, other than the BOCC effort to cooperate with the Recreation Councils in the provision by the Councils of recreational services.

**DEFINITION:**

A Recreation Council is a group composed of interested community citizens, some of whom may represent community organizations concerned with recreation and who are organized as a Council to coordinate, develop, and operate recreational programs within the community.

Division shall mean the Division of Parks and Recreation.

**COMPOSITION:**

It is suggested that organizations in the community interested in recreation programs appoint representatives to be a member of the council. Civic groups, service clubs, men's and women's organizations, PTA's, churches, fire Divisions, etc. are examples of the kinds of organizations that would benefit from having representation on the Council. In addition, individuals interested in community recreation should be included.

Outside groups or associations wishing to merge with current Recreation Council must submit a record of their "articles of dissolution" to the Council board prior to any consideration of formal association with the Council. Further, the joining agency must merge all existing funds with that of the Council treasury. The Council must approve and record in their minutes the merger of funds, and the interested agency during a scheduled meeting.

**HOW TO ESTABLISH A COUNCIL:**

Interested individuals should contact the Frederick County Division of Parks and Recreation for detailed information and assistance in establishing a council. No group will be accepted as a legitimate County Recreation Council without the recommendation of the Parks and Recreation Commission and final approval of the Board of County Commissioners.

## **DIVISION OF RESPONSIBILITIES:**

1. It will be the responsibility of the Recreation Council to:
  - A. Adopt a Constitution and by-laws to guide its operation.
  - B. Establish a regular meeting schedule.
  - C. Elect officers and establish committees.
  - D. Determine geographical area the council will serve. Service area must be approved by the Division of Parks and Recreation to avoid overlapping of and gaps between areas.
  - E. Survey the Parks and Recreation needs and resources of the community.
  - F. Raise funds to carry out programs and activities.
  - G. Coordinate with various recreation programs currently being conducted in the community.
  - H. Develop new programs and activities as indicated by community interests.
  - I. Provide expendable supplies and equipment for its activities.
  - J. Establish a public relations program designed to inform the community of recreation activities available through their Council.
  - K. Be responsible for the acts of each Council's own members, representatives, and agents as they relate to Council functions.
  - L. Individual Recreation Councils have the authority as a separate legal entity, to amend its Constitution or By-laws in accordance with the existing Constitution and By-laws. It is strongly suggested that any Recreation Council amending its Constitution or By-laws consult with its own private attorney and accountant to verify that such a change will not adversely affect the Recreation Council's legal or tax -exempt status. Review of any document associated with the Recreation Councils by the County Attorney's office is performed solely in connection with the interests of the Board of County Commissioners of Frederick County. No opinion as to the interests of the Recreation Councils is provided, expressly or implied. No attorney client relationship with the Recreation Council is created or may be inferred as a result of documents reviewed by the County Attorney.
  - M. Each council's required filing status with the IRS as a Recreation Council depends on how much money the Council receives in a year from program registrations, donations, fund raisers, etc. Every organization exempt from Federal Income Tax under 501 non-profit declaration must file annually using Form 990 or 990EZ *EXCEPT FOR* an organization having gross receipts that normally do not exceed \$25,000, unless the Council generates revenue through gambling. Each Council should contact their accountant, one experienced in non-profit filing. If a Council pays a contractor more than \$600 to provide a service over the course of a year, the Council must file a 1099 form. This is a simple form, which is available from most accounting offices or the IRS local office.
  - N. State Law requires that each Council make reasonable accommodations for all participants interested in participating in a program or activity. This includes developmentally or physically challenged individuals.
  - O. Provide an up-to-date record of current Council volunteers and programs seasonally to the Parks and Recreation Division. This should also be included in their annual report.
  - P. Provide a monthly finance statement and minutes to the County liaison at each and every scheduled meeting.

- Q. Follow all local, state, and federal guidelines/laws or regulations in regards to their program operations. An example of this could be a summer camp program, which may be required to follow state (COMAR) regulations.
- R. Require that all checks drawn on any bank account opened in the name of a Council have two signatures, preferably the President and Treasurer.
- S. Use a County approved accident/incident report for each and every incident or accident that occurs within their programs. Councils are then required to keep a copy and forward the original documents to the County Risk Management office through the Division of Parks and Recreation. Current copies of the reports can be obtained through Parks and Recreation.
- T. Provide an Annual report to the Division of Parks and Recreation liaison at the end of each fiscal year. This report must include the following information for each fiscal year: listing of expenses and contractual payments, sources of revenue, grants, and listing with addresses of that current year's programs and program volunteers.
- U. Use a County approved waiver, with no deletions, editions, or alterations, for all programs. Each program should have a waiver of liability associated with each and every participant. These waivers must be kept on file for a minimum of 3 years. The most current and approved waiver can be obtained from the Frederick County Division of Parks and Recreation.
- V. Submit all Grant applications to the County Attorney through the Division of Parks and Recreation for review before submitting to the funding source/service. Applying for a grant may require Board of County Commissioner approval.
- W. When utilizing a contractor for services each Council is required to utilize the current standardized contract format, which can be obtained from the Parks and Recreation liaison, and to meet all insurance requirements set forth by the County Risk Manager. Each contract must be appropriate and according to the purpose and mission of the Council as designated by the Council's constitution and by-laws. Any Council pursuing a contract must have the documents reviewed by the County Attorney and County-Risk Manager prior to services being rendered. Recreation Councils may either run a program using volunteers who are covered by County Liability Insurance (certain high risk activities are not permitted), or utilize a Contractor to run a program in which case the contractor provides their own insurance and proof of that insurance with the presentation of a Certificate of Insurance **which names the Board of Frederick County Commissioners of Frederick County, the Association of Recreation Councils, and the individual recreation council as additional insured.** If the contractor hires employees, the contractor must also have Workers Compensation Coverage. *The County* will never provide insurance for a third party. All Contracts must be established under the supervision of the County Liaison who will meet with the County Attorney and Risk Manager.

2. It will be the responsibility of the County through the Division of Parks and Recreation to:
  - A. Provide technical assistance to community representatives in creating recreation councils.
  - B. Assist councils in the preparation of community interest surveys.
  - C. Meet with the councils in the preparation of community interest surveys.
  - D. Provide expertise in planning for recreation programs (how to set-up, train staff, supervise, evaluate, etc.)
    - a. Give councils scheduling priority for use of facilities under the control of the Division in the following order:
      - i. Park/School Facilities
        1. Regular school activities
        2. Recreation Division activities
        3. Recreation Council activities
        4. Other
      - ii. Parks
        1. Recreation Division activities
        2. Recreation Council activities
        3. Other
  - E. Make existing and any future countywide programs sponsored by the Division available to all councils and county residents on an equal basis to the extent possible.
  - F. Provide the opportunity for council representation on community park master plan advisory committees.
  - G. Assign councils a deadline for submitting their annual reports.
  - H. Act as the channel of communications between the Recreation Council and Board of County Commissioners on matters pertaining to Parks and Recreation.

### **Insurance Information and Requirements**

- A. Those individuals who are formal members of Recreation Councils are covered as "volunteers" under the County provided general liability insurance policy. Insurance coverage is subject to change annually during the County's normal renewal process.
- B. Current County Insurance provisions do not permit a Recreation Council to become incorporated.
- C. The Board of County Commissioners of Frederick County, MD maintains a Commercial General Liability policy for the Recreation Councils of Frederick County, MD. The maintenance of this policy is subject to annual review and determination by the Commissioners. The policy will respond to third party liability claims regarding Bodily Injury or Property Damage to others resulting from negligent acts by members, participants and volunteers of the Recreation Councils of Frederick County. From time to time Frederick County Government will issue Certificates of Insurance for use of premises rented or borrowed by the Recreation Councils. The Board of Education of Frederick

County, MD is an additional insured on this policy because the Recreation Councils often use facilities owned by the Board of Education.

1) Examples of the types of claims that would be covered are as follows: Recreation Council sells hot dogs at an event or holds a bake sale as a fundraiser. The person who purchases the food item becomes sick and is diagnosed with food poisoning. This person sues the Recreation Council for Bodily Injury.

During a sporting event, the ball goes out of play and breaks a window in a neighbor's house. Not only is the window broken, but also the ball hits the neighbor in the head and stitches are necessary. Both the Bodily Injury and Property Damage would be covered by this policy.

2) Examples of things not covered by this policy:

Property losses to property owned by the Recreation Councils or the members thereof are not covered. This is not a property policy. It is a Commercial General Liability policy. This is not a health insurance policy. If a participant becomes ill or twists his or her ankle through no negligence on the part of the Recreation Council, this policy will not respond.

Use of trampolines is specifically excluded. Other high-risk activities such as, but not limited to, hot air balloons, rock climbing, scuba diving, spelunking, and moon bounces, will require specific authorization by the County Risk Management office. Volunteers may be permitted to lead high-risk activities if the Council can provide suitable and detailed information regarding the training of the supervising volunteer or contractor to the Risk Management Division.

## **ORGANIZING A COMMUNITY RECREATION COUNCIL – FIRST STEPS**

Who takes the initiative in getting a Council under way? This will vary from one community to another. Perhaps it is the program chairman of the PTA, or the president of the citizens association or an interested individual concerned with the need for expanded recreational opportunities. The important thing is for someone or some group to get the ball rolling and to see that all of the community's resources are brought in on the planning.

An open meeting should be set up with invitations to attend sent to all organizations in the community who are concerned in any way with recreation. Invitations should also be extended to interested individuals. Be sure the meeting is well publicized.

The recreation council will want to know the current recreation situation so the first step the council may want to take is to complete a community recreation survey. A suggested outline for such a survey is attached.

The council will wish to establish a regular meeting time or schedule that is appropriate for that council, and adopt a simple constitution and by-laws. Officers should be elected and committees established.

The community recreation survey will help the council to determine the programs and activities that are needed.

The council will need funds for community activities so it should determine what funds are needed and how these are to be raised. In addition, every Council board will be required to adopt a budget each year.

All recreation programming is generally classified under the following categories:

- Arts and Crafts
- Dancing
- Dramatics
- Literary Activities
- Music
- Nature and Outing
- Historical
- Social Events
- Sports and Games



## **COMMUNITY RECREATION SURVEY**

**The following areas should be addressed when developing a survey:**

### **1) Description of area to be served:**

- a. Physical boundaries.
- b. Population
  - i. Ages; gender needs
  - ii. Individuals with special needs
- c. Trends-housing plans, which may affect population, road construction, etc.

### **2) Areas and facilities for Recreation Use:**

- a. Types and approximate acreage of outdoor play areas.
  - i. Park
  - ii. School
- b. Type and description of indoor facilities.
  - i. Schools
  - ii. Community buildings
  - iii. Halls
  - iv. Churches, libraries, etc.
- c. Description of undeveloped land suitable for recreation use.

### **3) Programs conducted by agencies or organizations in community**

- a. Public auspices:
  - i. Present programs conducted by the Division of Parks and Recreation.
  - ii. Programs conducted by Board of Education or Local Schools
- b. Private (or voluntary) auspices:
  - i. Boys Club
  - ii. YMCA
  - iii. Girl Scouts, Brownies
  - iv. Camp Fire Girls, Bluebirds
  - v. Cub Scouts and Boy Scouts
  - vi. 4-H Club
  - vii. Athletic Associations
  - viii. Churches
  - ix. Other
- c. Extent of programs under private or public auspices
  - i. Facilities used
  - ii. Approximate number and age and gender served
  - iii. Extent of program-hours of operation
  - iv. Type of program conducted
  - v. Leadership (professional or volunteer)

(Send completed survey to the Division of Parks and Recreation and keep a copy for council files.)

(Sample letter to be sent out to organizations relative to the organization of a recreation council.)

Dear\_\_\_\_\_:

In order to develop and expand recreation opportunities in\_, we are calling a meeting to organize a Recreational Council. We are inviting representatives of all organizations and groups, as well as interested individuals to attend this meeting. The meeting will be held:

Date\_\_\_\_\_

Time\_\_\_\_\_

Place\_\_\_\_\_

We believe that through community cooperation we can be more effective in meeting the leisure time needs of all our citizens.

We will greatly appreciate it if you will arrange to have a representative (or a representative and an alternate) from your organization at this meeting on \_\_\_\_\_. Will you please call or write to let us know if your group will be represented and whom the representative will be? A complete report of this organizational meeting will be made to each group/individual before the recreation council is formally organized.

Sincerely Yours,

\_\_\_\_\_  
Name  
Phone Number  
Email

Send one copy to the Frederick County Division of Parks and Recreation

### Membership of Recreation Council

Name\_\_\_\_\_Email\_\_\_\_\_

Address\_\_\_\_\_

Work Phone:\_\_\_\_\_Home Phone:\_\_\_\_\_

List: (1) President; (2) Vice President; (3) Secretary; (4) Treasurer

1)
2)
3)
4)

Council Officers\_\_\_\_\_ Phone Number

Date:\_\_\_\_\_President\_\_\_\_\_

Vice President\_\_\_\_\_

(Suggested Constitution for a Recreation Council)

**Article I – Name**

**Section I** – The name of this Council shall be \_\_\_\_\_

**Article II – Purpose**

**Section I** – The purpose of this Council shall be to \_\_\_\_\_

(To develop a well-rounded recreation program for all the people of the community; to effect proper coordination of all agencies and organizations in the community interested in recreation; to help finance, publicize and evaluate year-round programs of recreation for all age groups.)

**Article III – Membership**

**Section I** – The membership of this Council shall consist of \_\_\_\_\_

(One delegate, or one delegate and one alternate, or two delegated, from each organization in the community interested in recreation.)

(Any individual interested in recreation for the community.)

**Article IV – Officers**

**Section I** – The officers of the Council shall be a President, Vice-President, Secretary and Treasurer.

**Section II** – The officers shall be elected at the annual meeting of the Council from its membership and shall serve \_\_\_\_\_ year(s).

**Section III** – The duties of the officers shall be implied by their respective titles.

**Section IV** – Vacancies shall be filled by vote of the Executive Committee.

**Article V – Quorum**

**Section I** – A quorum shall consist of \_\_\_\_ members of the Council.

**Article VI – Amendments**

**Section I** – This constitution may be amended at any annual meeting of the Council by two-thirds vote of the delegates to the Council present, provided written notice of the proposed amendment shall have been presented to all Council members not less than 15 days prior to the next annual meeting of the Council.

Constitution Signatures:

President: \_\_\_\_\_

Date: \_\_\_\_\_

Vice President: \_\_\_\_\_

Date: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Date: \_\_\_\_\_

(Suggested By-Laws for a Recreation Council)

**Article I – Meetings**

**Section I** – A regular meeting of this Council shall be held \_\_\_\_\_ unless otherwise specified by the President.

**Section II** – Special meetings may be called by the President, provided 10 days notice is given to Council members.

**Section III** – The regular meeting held in \_\_\_\_\_ shall be the Annual Meeting.

**Article II – Committees**

**Section I** – The President shall appoint the chairman of the following standing committees: Finance, Sports, Teen Clubs, Publicity, and Playgrounds.

**Section II** – Such other standing committees authorized by the Council shall also be appointed by the President.

**Article III – Business Meetings**

**Section I** – The business transacted at a regular meeting of the Council shall follow the order established by Roberts Rules of Order.

By-Laws Signatures:

President: \_\_\_\_\_

Date: \_\_\_\_\_

Vice President: \_\_\_\_\_

Date: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Date: \_\_\_\_\_